



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

EPA Region 5 Records Ctr.



235139

JUN 16 2005

MEMORANDUM

REPLY TO ATTENTION OF

SUBJECT: **ACTION MEMORANDUM** - Request for a Ceiling Increase and an Exemption from the 12-month and \$2 Million Statutory Limit for the Removal Action at the Mahoningside Power Plant Site, Warren, Trumbull County, Ohio (Site ID #B5P4)

FROM: Mark Durno, On-Scene Coordinator
Emergency Response Branch - RS1

Mark Durno

TO: Richard Karl, Director
Superfund Division

THRU: Linda Nachowicz, Chief
Emergency Response Branch

Linda Nachowicz

I. PURPOSE

The purpose of this memorandum is to request and document your approval for ceiling increase of \$926,400 in order to continue to mitigate threats to public health, welfare, and the environment at the Mahoningside Power Plant Site (Mahoningside Site) within the City of Warren, Trumbull County, Ohio. If approved, this increase will bring the total approved ceiling for the Mahoningside Site to \$3,010,900. These expanded response actions are necessary to mitigate the immediate threat to public health, welfare, and the environment posed by the continued presence and uncontrolled migration of polychlorinated biphenyl (PCB) contamination located in a sensitive area in the City of Warren.

The initial emergency response action was conducted pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9604(a)(1), as amended, by locating, recovering, and properly disposing of PCB-contaminated materials. The initial removal action was considered an emergency response due to the potential for uncontrolled releases of elevated levels of PCB contamination into the adjoining Mahoning River. The initial response required approximately 6 months to complete. These emergency removal actions were completed in February, 2001. The original Action Memorandum was approved on September 20, 2000.

Following the emergency removal action, U.S. EPA initiated a second time-critical removal action to remove additional high level PCB contamination and asbestos containing material present in large waste piles on Site. The "Phase 2" removal action was initiated on January 22, 2005, and is on-going. The "Phase 2" Action Memorandum was approved on September, 24, 2004. This Action Memorandum also authorized an emergency exemption from the 12-month and \$2-million statutory limits for time-critical actions.

Additional funding is currently needed as PCB regulated material (> 50 ppm) comprises more of the waste than was initially anticipated. Initially, approximately 10-15% of the material was believed to be above 50 ppm PCBs. However, approximately 25% of the material will have to be shipped off site as regulated, costing three times the initial estimated amount for disposal.

The response action proposed herein will mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous wastes and substances located in large debris piles on the property of the former power plant. Hazardous substances that have been confirmed to be present at the Mahoningside Site are PCBs. Proposed removal actions include the complete assessment of the chemical hazards in the debris piles, removal and stabilization of the hazardous wastes and substances, and off-site disposal of the hazardous wastes and substances. The uncontrolled condition of the abandoned waste and substances at this Site, the potential for hazardous substances in the subsurface to migrate into the adjoining river, the unrestricted access to the property, the evidence that the Site is frequented by trespassers, and the Site's proximity to residential areas require that this removal be classified as time-critical. The project will require approximately 30 additional working days to complete.

The Mahoningside Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # OHN 000 508 061

A. Physical Location and Description

The Mahoningside Power Plant Site consists of an open abandoned basement of a former power plant building. The basement structure contains numerous underfloor sumps, piping, and conduits, some of which are connected to the Mahoning River. The building foundation encompasses approximately 34,000 square feet and the property totals approximately 6 acres. Large debris piles are present immediately west of the basement structure. These piles were generated from demolition activities that occurred in 1999. The property, currently owned by the City of Warren through a bankruptcy agreement, was formerly owned by the Ohio Edison Company (now First Energy) and other private ownership. The property is located at 650 Summit Street,

Warren, Ohio, 44483. The property is bordered by the Mahoning River to the east, railroad tracks to the north, light industrial properties to the south, and a residential area to the west. Summit Street parallels the facility to the south and Tod Avenue parallels the facility to the west.

In Ohio, the low income percentage is 30% and the minority percentage is 13%. To meet the Environmental Justice (EJ) concern criteria, the area within one mile of the Site must have a population that is twice the state low income percentage and/or twice the state minority percentage. That is, the area must be at least 60% low income and/or 26% minority. The low income percentage in the impacted area is 64.8% and the minority percentage is 10.12% as determined by Landview 3 EJ analysis. Therefore, the Mahoningside Site does meet the region's EJ criteria based on demographics as identified in "Region 5 interim guidelines for Identifying and addressing a potential EJ Case, June 1998."

The property is surrounded by a security fence that is in poor condition. There have been past cases of unauthorized entry and vandalism at the Site. The west side of the property is currently used as a temporary office and staging area. The central portion of the facility is used for the staging of debris. The foundation and basement are located on the river's edge at the east end of the facility

B. Site Background

The facility was built in 1904 by the Warren Water and Light Company as a hydro-electric power generating plant. From 1950 until 1980 the facility was owned by the Ohio Edison Company and primarily used as a coal-burning power plant until 1968. In August 1977, the property was leased by Ohio Edison to Summit-Warren, Inc., where the property was used to operate a salvage business. At that time, the business was owned and/or operated by Harold Glunt and John Petrilla. In December 1980, the property was sold to Nestor Stychno and William Marsteller. In 1999, a bankruptcy agreement between the former property owners and the City of Warren was established to turn the property over to the city.

In February 1999, City of Warren contractors, Inner-scope Technologies and McCabe Engineering, mobilized to begin demolition and general construction activities at the Mahoningside Power Plant Site. On March 17, 1999, two 250-foot high smokestacks were imploded by explosives. General demolition activities continued until November 1999.

In November 1999, Warren consulted with Ohio EPA and U.S. EPA regarding regulatory compliance should PCBs or heavy metal contamination be discovered during the removal of basement debris. From December 1999, through early March 2000, debris removal from the basement progressed. According to the City's contractors, all PCB contamination that was discovered during this time was below the TSCA regulatory level of 50 parts per million (ppm) for industrial facilities. In March 2000,

PCB contamination, exceeding 50 ppm, was discovered in the basement of the former facility. Approximately 450 cubic yards of PCB-contaminated debris was contained on-site.

From March 2000 through June 2000, the City of Warren authorized response actions to control and contain PCB contamination. In mid-June 2000, the City of Warren ran out of funding to complete the PCB clean-up and remainder of demolition activity. The City of Warren's contractor, McCabe Engineering, continued basement de-watering and treatment actions on a good-faith basis.

On July 21, 2000, the City of Warren requested U.S. EPA assistance to complete the removal and disposal of hazardous materials at the Site and to take over the de-watering operation. On August 4, 2000, U.S. EPA initiated an emergency removal action to continue the de-watering activities on Site.

From October 10, 2000, until late-February 2001, U.S. EPA conducted a time-critical removal at the Site. U.S. EPA and its contractors removed high-level PCB contamination from the basement and sub-structure of the former power plant and disposed of PCB-contaminated debris which was previously contained. Approximately 1,770 tons of PCB-contaminated materials were removed from the site and disposed of at CWM-Chemical Services LLC Landfill located in Model City, New York.

In March 2001, U.S. EPA referred the Site to Ohio EPA for further assessment. In July 2001, Ohio EPA conducted an assessment of the Site which included multi-media sampling. Sampling results indicated that a portion of one debris pile exhibited PCB concentrations as high as 159 mg/kg (~ppm), exceeding the regulatory limit of 50 ppm.

In June and July of 2002, the City of Warren's contractor, McCabe Engineering, collected grid-based composite samples from the piles at various depth intervals. The results of this characterization indicated that elevated levels of PCBs were present in all three debris piles. Also, the characterization showed that two of the three piles had PCB contamination in excess of 50 ppm in numerous locations. According to McCabe Engineering, the debris piles total approximately 13,000 cubic yards or 16,500 tons of material.

On January 24, 2003, the City of Warren again requested U.S. EPA's assistance to dispose of PCB-contaminated debris from the Site. The City of Warren has offered to provide in-kind services to load-out contaminated materials and to provide after-action confirmation sampling.

On January 21, 2005, U.S. EPA initiated its second removal action ("Phase 2") at the Site to remove the waste piles. Further characterization of these piles indicated that asbestos-containing material was present throughout at levels greater than 1%. The removal action is on-going. To date, approximately 1,800 tons of PCB-regulated material have been shipped for off-site landfill disposal. Additionally, approximately

10,000 tons of low-level PCB material containing regulated levels of asbestos have been shipped off-site for landfill disposal.

In accordance with the planned removal activities, as outlined in the previous Action Memorandum, U.S. EPA's progress is documented below:

1. Develop and implement a Site-specific Health and Safety Plan.
 - Complete.
2. Establish and maintain Site security.
 - Complete.
3. Develop and implement a sampling and segregation plan to separate high level PCB contamination (>50 ppm per discrete location or applicable standard based on to-be-developed Statement of Work) from lower-level PCB contamination from the debris piles.
 - Complete.
4. Dispose of hazardous substances at approved off-site disposal facilities in accordance with the U.S. EPA Off-Site Rule, 40 C.F.R. Section 300.440. This includes off-site disposal of both high level PCB contamination to a Toxic Substances Control Act (TSCA) approved landfill and, lower-level PCB contamination that poses significant risk to an appropriate non-hazardous waste landfill.
 - On-going. Approximately 8,600 tons of material remain to be disposed.
5. Stage remaining materials, if applicable, on an impermeable liner and cover.
 - Complete. Verification sampling will be conducted on this material.
6. Conduct post-removal sampling and analysis to verify completion of the removal action.
 - To be completed under this proposed action.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Mahoningside Site presented a potential threat of release of CERCLA hazardous substances, presented an imminent and substantial threat to the public health, or welfare, and the environment, and met the criteria for an emergency

removal action provided for in the National Contingency Plan (NCP), 40 C.F.R. § 300.415(b)(2). These criteria include:

1) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

The Site is situated in a high traffic, mixed industrial-residential area. Several people are often observed using the sidewalk to the immediate south of the Site and visiting the river just east of the Site. There are several incidents of trespass reported recently on Site. High levels of PCBs are present on Site. In some locations, contamination exceeds the regulatory level established under TSCA for industrial properties (50 ppm). Approximately 16,500 tons of debris, much of which contains PCB waste are present on Site. The high levels of PCB contamination remain uncontrolled. The potential exists for contamination to migrate into soil beneath the piles and/or over land and through soil into the Mahoning River. U.S. EPA requested Ohio EPA to evaluate the risk to the Mahoning River due to uncontrolled PCB contamination. Ohio EPA indicated that any uncontrolled PCB contamination at or above 1 ppm could pose significant risk to the Mahoning River.

There is no security on Site other than the Site fence. The fence is in marginal to poor condition. During the Phase 2 removal action, the fence was repaired numerous times; however, it is damaged through vandalism weekly.

2) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Northeast Ohio typically exhibits frequent precipitation in the fall, winter, and spring months. PCB contamination is located in 3 large, uncovered debris piles on Site. The debris piles are located immediately to the west of the open basement structure of the former facility and the Mahoning River. Not only is there contamination migration potential directly to the Mahoning River, but also to the more closely located basement structure, which is a direct conduit to the river. Heavy precipitation causes the Mahoning River to rise and flow at a more rapid rate. The resulting influx to groundwater increases the amount of water that enters the former facility basement, where the PCB contamination can easily migrate. The resulting water movement can cause contaminants to migrate to the subsurface or to the Mahoning River. Additionally, much of the contaminated material in the soil piles are fine particles that can easily migrate to nearby residential areas during dry weather coupled with moderate wind conditions.

3) The availability of other appropriate Federal or State response mechanisms to respond to the release.

The City of Warren has requested U.S. EPA assistance to remove hazardous

substances from the Mahoningside Power Plant Site. The City ran out of funding as it was attempting to redevelop this Brownfields Site into a usable facility. The Ohio EPA has served as a technical liaison to the project but does not have funding available to clean-up the Site.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened direct or indirect releases of hazardous substances from the Mahoningside Power Plant Site due to migration, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

Emergency Exemption:

Section 104(c) of CERCLA as amended by SARA, limits a Federal emergency response to \$2 million unless three criteria are met. The quantities and levels of hazardous substances (PCBs) found at the Mahoningside Power Plant Site warrant exemption from the \$2 million and 12-month limitations based on the following factors:

A. There is an immediate risk to public health or welfare or the environment;

Refer to Section IV above.

B. Continued response actions are immediately required to prevent, limit, or mitigate an emergency;

As described in Section III above, conditions at the Site are such that the release of high levels of PCBs is imminent. In 2000, an emergency action was taken at this Site as a result PCB migration, as described in Section II above. Continued response actions are necessary to prevent another emergency response.

C. Assistance will not otherwise be provided on a timely basis.

As described in Section II above, both the City of Warren and the Ohio EPA have indicated that funding is not available.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

The purpose of this expanded removal action is to mitigate the immediate threats posed to public health, welfare, or the environment by the presence PCB contamination in large debris piles at the Mahoningside Site. The On-Scene Coordinator (OSC) specifically proposes to undertake the following actions to mitigate threats posed by the presence of hazardous wastes:

- 1) Implement the Site-specific Health and Safety Plan.
- 2) Maintain Site security.
- 3) Develop and implement a sampling and segregation plan to separate high level PCB contamination (>50 ppm per discrete location or applicable standard based on to-be-developed Statement of Work) from lower-level PCB contamination from the debris piles.
- 4) Dispose of hazardous substances at approved off-Site disposal facilities in accordance with the U.S. EPA Off-Site Rule, 40 C.F.R. Section 300.440. This includes off-site disposal of both high level PCB contamination to a TSCA approved landfill and, lower-level PCB contamination that poses significant risk to an appropriate non-hazardous waste landfill that is approved to accept asbestos-containing material.
- 5) Decontaminate and stage remaining materials (i.e. concrete, metal).
- 6) Conduct post-removal sampling and analysis to verify completion of the removal action.

The removal action will be undertaken in a manner not inconsistent with the National Contingency Plan (NCP). The OSC will initiate planning for the provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. The nature of this removal action (complete removal of hazardous substances from the Site) should eliminate the need for any post-removal Site control.

The detailed cleanup contractor cost estimate is presented in Attachment 1, and estimated project costs are summarized below:

EXTRAMURAL COSTS:

<i>Regional Removal Allowance Costs:</i>	<i>Original:</i>	<i>Increase:</i>	<i>Total:</i>
Total Cleanup Contractor Costs: (This cost category includes estimates for ERRS and subcontractors)	\$1,584,083	\$752,000	\$2,336,083
<i>Other Extramural Costs Not Funded from the Regional Allowance:</i>			
Total START, including multiplier costs:	\$139,000	\$ 20,000	\$159,000
Total USCG Strike Team:	\$14,000	0	\$14,000
Extramural Subtotal:	\$1,737,083	\$772,000	\$2,509,083
Extramural Contingency (20%)	\$347,417	\$154,400	\$501,817
TOTAL REMOVAL PROJECT CEILING:	\$2,084,500	\$926,400	\$3,010,900

The response actions described in this memorandum directly address the actual or threatened release of hazardous substances, pollutants, and contaminants at the Mahoningside Site which poses an imminent and substantial endangerment to public health or welfare or to the environment. These response actions will not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

The removal activities described in this memorandum will require an estimated 30 on-site working days to complete.

Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) will be complied with to the extent practicable. Federal ARARs for the Mahoningside Site include TSCA and RCRA. All hazardous substances, pollutants, or contaminants removed off-site during the emergency removal action will be treated, stored, or disposed of at facilities in compliance with the U.S. EPA Off-Site Rule, 40 C.F.R. § 300.440. Ohio EPA is an active partner in addressing threats associated with this removal action. U.S. EPA sent a letter to Mr. Rod Beals of the Ohio EPA on September 5, 2000, requesting that he identify State ARARs. Any State ARARs identified in a timely manner for this removal action will be complied with to the extent practicable.

All hazardous substances, pollutants or contaminants removed off Site pursuant to this removal action for treatment, storage, or disposal will be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule,

40 C.F.R. § 300.440.

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances documented on Site, and the potential exposure pathways to nearby populations described in Sections II, III, and IV above, the actual or threatened release of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, would present an imminent and substantial endangerment to public health, welfare, or the environment.

VIII. OUTSTANDING POLICY ISSUES

There were no outstanding policy issues at the Mahoningside Power Plant Site.

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

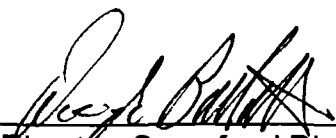
The total EPA costs for this proposed removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$4,315,395¹.

$$(\$3,010,900 + 20,000) + (42.38\% \times \$3,030,900) = \$4,315,395$$

¹Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

X. RECOMMENDATION

This decision document represents the selected removal action for the Mahoningside Site, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision was based upon the Administrative Record for the Site. Because the conditions at the Site meet the NCP § 300.415(b)(2) criteria for a removal action, I recommend your approval of this removal action. The total project ceiling increase, if approved, will be \$926,400. The ceiling total including prior removals would be \$3,108,800. Of this amount, an estimated \$906,400 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE:  F2 RICHARD KARL DATE: 6/16/05
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
Director, Superfund Division

Enforcement Addendum**Attachments**

1. Detailed Cleanup Contractor Cost Estimate
2. Administrative Record Index
3. Region V EJ Analysis
4. Independent Government Cost Estimate
5. Action Memorandum dated 9/20/2000
6. Action Memorandum dated 9/24/2004

cc: D. Chang, U.S. EPA, 5202-G
M. Chezik, U.S. Department of the Interior, **w/o Enf. Addendum**
K. Clouse, Ohio EPA, **w/o Enf. Addendum**
J. Koncelik, Director, Ohio EPA, **w/o Enf. Addendum**
J. Petro, Ohio Attorney General, **w/o Enf. Addendum**

ENFORCEMENT ADDENDUM

**MAHONINGSIDE POWER PLANT SITE
WARREN, TRUMBULL COUNTY, OHIO**

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**

(REDACTED 2 PAGES)

ATTACHMENT 1

**DETAILED CLEANUP CONTRACTOR COST ESTIMATE
MAHONINGSIDE POWER PLANT SITE
WARREN, TRUMBULL COUNTY, OHIO
APRIL 2005**

The estimated cleanup contractor costs necessary to complete the removal action at the Mahoningside Power Plant Site are as follows:

Personnel & Equipment	\$ 130,000
Subcontractors	\$ 602,000
Materials	\$ <u>20,000</u>
TOTAL	\$ 752,000

ATTACHMENT 2**ADMINISTRATIVE RECORD INDEX
MAHONINGSIDE POWER PLANT SITE
WARREN, TRUMBULL COUNTY, OHIO
APRIL 2005**

DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PGS
07/21/00	Angelo, H. City of Warren	Karl, R. U.S. EPA	Letter Requesting Assistance	2
06/09/00	Payne, D. U.S. EPA	Moore, K. U.S. EPA	PCB Analysis Results	11
09/05/00	Durno M. U.S. EPA	Beals, R. Ohio EPA	ARARs Letter	1
09/20/00	Durno, M. Fredle, J. U.S. EPA	Muno, W. U.S. EPA	Action Memorandum	21
N/A	McCabe Eng.	U.S. EPA	History Chronology and Analytical Summary	5
05/01/96	Ohio EPA	U.S. EPA	Biological and Water Quality Study	236
01/24/03	Angelo, H. City of Warren	El-Zein, J. U.S. EPA	Letter Requesting Assistance	2
09/24/04	Durno, M. U.S. EPA	Karl, R., U.S. EPA	Action Memorandum	15
00/00/00*	Durno, M. U.S. EPA	Karl, R. U.S. EPA	Action Memorandum*	Pending






* Pending

Region 5 Superfund EJ Analysis

Mahoningside Power Plant Site Warren, OH



EJ Identification

-  Low Income and Minority Less than State Average
-  Low Income or Minority at or Greater than State Average
-  Low Income or Minority 2 Times or Greater than State Average [meets Region 5 EJ Case criteria]
-  Site Location
-  Block Group Boundary

Region 5 EJ Case Criteria for Ohio
 Minority: 26% or greater
 Low Income: 60% or greater



U.S. DEPARTMENT OF ENERGY
 Date of Map: 08/15/1991

ATTACHMENT 3
 REGION V EJ ANALYSIS
 MAHONINGSIDE POWER PLANT SITE
 WARREN, TRUMBULL COUNTY, OHIO

ATTACHMENT 4

**INDEPENDENT GOVERNMENT COST ESTIMATE
MAHONINGSIDE POWER PLANT SITE
WARREN, TRUMBULL COUNTY, OHIO
APRIL 2005**

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

(REDACTED 1 PAGE)

ATTACHMENT 5

ACTION MEMORANDUM DATED 9/20/2000



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

SEP 20 2000

REPLY TO ATTENTION OF:

MEMORANDUM

SUBJECT: ACTION MEMORANDUM - Request for Approval to Initiate a Time-Critical Removal Action at the Mahoningside Power Plant Site, Warren, Trumbull County, Ohio (Site ID# B5P4)

FROM: Mark Durno, On-Scene Coordinator
Joseph Fredle, On-Scene Coordinator
Emergency Response Branch - Section 1

J - C B - for

TO: William E. Muno, Director
Superfund Division

THRU: Richard Karl, Chief
Emergency Response Branch

R. Karl

I. PURPOSE

The purpose of this memorandum is to request and document your approval to expend up to \$1,169,340 to abate an imminent and substantial threat to public health and the environment at the Mahoningside Power Plant Site, Warren, Trumbull County, Ohio. This memo also seeks to confirm the verbal authorization of \$25,000 provided by Richard Karl, Chief, Emergency Response Branch on August 4, 2000. This expenditure was necessary to maintain de-watering and water treatment activities at the Site that the City of Warren was conducting. The City's funding for the project has depleted and they formally requested the United States Environmental Protection Agency's (U.S. EPA) assistance to continue this activity.

The response action proposed herein will mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous wastes and substances located in a basement structure and sub-surface of the former power plant at the Site. Hazardous substances that have been confirmed to be present at the Site are polychlorinated biphenyls (PCBs) and mercury. Proposed removal actions include the complete assessment of the chemical hazards at the Site, removal and stabilization of the hazardous wastes and substances, off-site disposal of the hazardous wastes and substances, and an assessment of the Mahoning River, which adjoins the Site. The uncontrolled condition of the abandoned waste and substances in the structure, the potential for hazardous substances in the subsurface to migrate into the adjoining river,

the unrestricted access to the property, the evidence that the Site is frequented by trespassers, and the Site's proximity to residential areas require that this removal be classified as time-critical.

The project will require an estimated 60 on-site working days to complete. This Site is not on the National Priorities List.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID #

The Mahoningside Power Plant Site consists of an open abandoned basement of a former power plant building. The basement structure contains numerous underfloor sumps, piping, and conduits, some of which are connected to the Mahoning River. The building foundation encompasses approximately 34,000 square feet and the property totals approximately 6 acres. The property, currently owned by the City of Warren through a bankruptcy agreement, was formerly owned by the Ohio Edison company (now First Energy) and other private ownership. The property is located at 650 Summit Street, Warren, Ohio, 44483. The property is bordered by the Mahoning River to the east, railroad tracks to the north, light industrial properties to the south, and a residential area to the west. Summit Street parallels the facility to the south and Tod Avenue parallels the facility to the west.

The area surrounding the Site satisfies Environmental Justice (EJ) criteria employed by the U.S. EPA. The population within a 1-mile radius of the site is 10.12% minority and 64.8% low income. The EJ criteria is met through low income being more than 60%, or twice the State of Ohio average.

The property is surrounded by a security fence that is in marginal condition. There have been recent cases of unauthorized entry and vandalism at the Site. The west side of the property is currently used as a temporary office and staging area. The central portion of the facility is used for the staging of debris from the former power plant building. The foundation and basement are located on the river's edge at the east end of the facility.

Background:

The facility was built in 1904 by the Warren Water and Light Company as a hydro-electric power generating plant. From 1950 until 1980 the facility was owned by the Ohio Edison Company and primarily used as a coal-burning power plant until the early 1970s. In the late 1970s the property was leased by Ohio Edison to Summit-Warren, Inc., where the property was used to operate a salvage business. At that time, the business was owned and/or operated by Harold Glunt and John Petrilla. In 1980, the

property was sold to Nestor Stychno and William Marsteller. In 1999, an agreement between the former property owners and the City of Warren was established to turn the property over to the city.

In late 1995, a Phase I environmental site assessment was performed by Innerscope Technical Services, Inc. Based on its findings in 1996, a Phase II environmental site assessment was performed. The Phase II consisted of a subsurface investigation (30 borings & 5 monitoring wells), an asbestos bulk survey of structures, and water and sediment sampling of the power-house and boiler-house basements.

In February 1999, Innerscope Technologies and McCabe Engineering mobilized to begin demolition and general construction activities at the Mahoningside Power Plant Site. On March 17, 1999, two 250-foot high smokestacks were imploded by explosives. General demolition activities continued until November, 1999. During this time, environmental issues, mainly relating to asbestos contaminated material, were being coordinated through Ohio Environmental Protection Agency (Ohio EPA) and its voluntary action program. Ohio EPA approved the use of subsidized technical assistance on the project.

In November 1999, McCabe Engineering consulted Ohio EPA and U.S. EPA to examine regulatory compliance should PCBs or heavy metal contamination be discovered during the removal of basement debris.

From December 1999, through early March 2000, debris removal from the basement progressed. All PCB contamination that was discovered during this time was below the TSCA regulatory level of 50 parts per million (ppm) for industrial facilities.

According to McCabe Engineering, on March 23, 2000, during excavation of debris in the north boiler-house area, a strong odor typical to PCB concentrated oil was discovered. A grab sample of the material providing the odor was collected and submitted to a laboratory. Analysis indicated that 4,500 ppm of PCB Aroclor 1260 was present in the material. Subsequent sampling indicated that high levels of PCBs were present in the structure debris, subsurface, and in intake/discharge pipes joining the building to the river. The river sediments at one of the discharge pipes had PCBs in excess of 200 ppm. PCB contamination ranged from 24 ppm to 147,000 ppm in the structure. PCB actions were coordinated with Ohio EPA and U.S. EPA's Waste, Pesticides, and Toxics Division.

Based on the PCB results, McCabe excavated over 500 cubic yard of PCB-contaminated material from the basement, piping, conduit, sumps, and river sluiceway. The waste was contained in 30 roll-off boxes. Due to the continued in-flux of water into the facility, McCabe installed a de-watering system that includes filtration and carbon treatment prior to discharge to the local sanitary sewer system. McCabe also plugged

influent and discharge lines from the facility to the river with concrete. Due to groundwater infiltration, de-watering continues.

In mid-June 2000, the City of Warren ran out of funding to complete this project. McCabe continued the de-watering system on a good-faith basis. On July 21, 2000, the City of Warren requested U.S. EPA assistance to complete the removal and disposal of hazardous materials at the Site and to take over the de-watering operation.

On August 4, 2000, U.S. EPA obligated \$25,000 to continue the de-watering activities on Site. These activities will continue until U.S. EPA determines if Potentially Responsible Parties (PRPs) are available to clean-up the Site.

III. THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Mahoningside Power Plant Site constitute a threat to public health and welfare or the environment based upon the considerations set forth in the National Contingency Plan (NCP), 40 CFR § 300.415 (b)(2) which include, but are not limited to, the following:

1) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

The Site is situated in a high traffic, mixed industrial-residential area. Several people are often observed using the sidewalk to the immediate south of the Site and visiting the river just east of the Site. There are several incidents of trespass reported recently on Site. High levels of PCBs are present on Site. Approximately 500 cubic yards of PCB waste are contained in roll-off boxes on Site. High levels of PCB contamination remains uncontrolled in the basement of the former powerhouse. Numerous influent and discharge pipes connect the basement to the river. Although the majority of the pipes have been plugged, water continues to infiltrate the basement structure, potentially transporting PCB contamination off-site.

An Ohio EPA study titled *Biological and Water Quality Study of the Mahoning River Basin* (May 1, 1996) reports that elevated levels of PCBs are present in sediments just downstream from the Site. No PCBs were present in sediment samples upstream from the Site. The sampling was conducted in 1994. Further sampling will be required to determine if the Mahoningside Power Plant Site was the most likely source of PCB contamination in the Mahoning River. Future sampling required by the proposed removal action will also further define the impact to the Mahoning River as a result of potential releases from this Site.

There currently is no security on Site other than the Site fence. The fence is in marginal condition.

- 2) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;**

PCB contamination is present in 30 roll-off boxes on Site. The level of PCB contamination in the boxes ranges from 24 ppm to 147,000 ppm. The boxes on-site are covered, but no security is present on Site. If the box tarps become damaged, the boxes could fill with rain water and eventually release PCB contamination to the environment.

- 3) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;**

Northeast Ohio typically exhibits frequent precipitation in the fall, winter, and spring months. Heavy precipitation causes the Mahoning River to rise and flow at a more rapid rate. The resulting influx to groundwater increases the amount of water that enters the former facility basement, where the PCB contamination is located. The resulting water movement can cause contaminants to migrate to the subsurface or to the Mahoning River.

The existing de-watering system on Site is not winterized. If the remaining contamination on Site is not removed prior to October 30, 2000, the common start of Northeast Ohio's freeze-thaw cycle, substantial funds will need to be obligated to improve the system. The system is currently funded by U.S. EPA.

- 4) The availability of other appropriate Federal or State response mechanisms to respond to the release.**

The City of Warren has requested U.S. EPA assistance to remove hazardous substances from the Mahoningside Power Plant Site. The City ran out of funding as it was attempting to redevelop this Brownfields Site into a usable facility. The Ohio EPA has served as a technical liason to the project but does not have funding available to clean-up the Site.

IV. ENDANGERMENT DETERMINATION

The Mahoningside Power Plant Site conditions include lack of a secure environment and released, uncontrolled hazardous wastes and substances. The threats to human health and the environment at the Mahoningside Power Plant Site, which have been confirmed through laboratory analysis, include the presence of PCBs and mercury. The potential exposure pathways to nearby populations and the environment, as

described in Sections II and III above, are magnified because there is no Site security on Site. In addition, the transport mechanism through the influx of groundwater into and through the basement of the structure causes increased potential for hazardous substance migration off-site. The actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, welfare, and the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The hazardous wastes and substances near residential areas in an unsecured Site with signs of public trespass must be addressed.

The On-Scene Coordinator (OSC) specifically proposes to undertake the following actions to mitigate threats posed by the presence of hazardous wastes at the Mahoningside Power Plant Site:

- 1) Develop and implement a Site-specific health and safety plan;
- 2) Provide Site security measures which may include, but not be limited to, security guard service and repair and/or replace damaged fencing;
- 3) Continue operation and maintenance of the existing de-watering/water treatment system;
- 5) Assess the remaining structure for PCB, mercury, and heavy metal contaminated materials;
- 6) Determine the extent of contamination in the sub-surface around and under the structure;
- 7) Remove and characterize contaminated materials from the structure and sub-surface;
- 7) Transport and dispose of hazardous substances/hazardous waste at an EPA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule, 40 CFR § 300.440; and
- 8) Determine the extent of contamination in the Mahoning River as a result of past and current uncontrolled releases of hazardous substances from the Site.

The removal action will be taken in a manner not inconsistent with the National Contingency Plan (NCP). The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(1) of the NCP.

All hazardous substances, pollutants, or contaminants removed off Site pursuant to this removal action for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 CFR § 300.440.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants at the Site which may pose an imminent and substantial endangerment to public health and safety and to the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

The estimated costs to complete the above activities are summarized below. These activities will require an estimated 60 on-site working days to complete. Detailed cleanup contractor costs are presented in Attachment 1.

REMOVAL PROJECT CEILING ESTIMATE**EXTRAMURAL COSTS:**

Cleanup Contractor Costs	\$ 682,420
Contingency (15%)	<u>102,363</u>
Subtotal	\$ 784,783
Total START	94,000
Total U.S. Coast Guard	<u>14,000</u>
Extramural Subtotal	\$ 892,783
Extramural Contingency (20%)	<u>178,557</u>
TOTAL, EXTRAMURAL COSTS	\$1,071,340

INTRAMURAL COSTS:

U.S. EPA Direct Costs \$30 x [(1000 Regional hours) + 100 HQ hours]	\$ 33,000
U.S. EPA Indirect Costs (\$65 x 1000 hours)	<u>\$ 65,000</u>
TOTAL, INTRAMURAL COSTS	\$ 98,000
	=====
TOTAL REMOVAL PROJECT CEILING ESTIMATE	\$1,169,340

All applicable or relevant and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable. A letter has been sent to Mr. Rod Beals of the Ohio EPA on September 5, 2000, requesting that he identify State ARARs. Any State ARARs identified in a timely manner for this removal action will be complied with to the extent practicable.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed or non-action may result in an increased likelihood of direct contact threat to human or wildlife populations accessing the Site.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with this Site.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in an Enforcement Confidential Addendum.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Mahoningside Power Plant Site in Warren, Trumbull County, Ohio, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the information in the Administrative Record for the Site. Conditions at the Site meet the NCP § 300.415(b)(2) criteria for a removal and I recommend your approval of this proposed removal action. The total project ceiling, if approved, will be \$1,169,340. Of this, an estimated \$963,340 may be used for extramural cleanup contractor costs. You may indicate your decision by signing below.

APPROVE: William E. Muno DATE: 9/20/01
William E. Muno, Director
Superfund Division

DISAPPROVE: _____ DATE: _____
William E. Muno, Director
Superfund Division

Enforcement Addendum

Attachments:

1. Detailed Cleanup Contractor Estimate
2. Administrative Record Index

cc: C. Beasley, U.S. EPA, 5202-G
K. Clouse, Ohio EPA, Columbus, OH
M. Chezik, U.S. DOI
C. Jones, Ohio EPA, Columbus, OH

**MAHONINGSIDE POWER PLANT SITE
ORIGINAL AR**

BCC PAGE

REDACTED

**NOT RELEVANT TO THE SELECTION OF
THE REMOVAL ACTION**

ATTACHMENT 1

DETAILED CLEANUP CONTRACTOR ESTIMATE MAHONINGSIDE POWER PLANT SITE WARREN, TRUMBULL COUNTY, OHIO SEPTEMBER 2000

Personnel	\$325,400
Equipment	\$ 83,000
Materials	\$ 6,920
Sampling, Analysis, Transportation and Disposal, and Subcontracting	<u>\$283,100</u>
TOTAL	\$682,420

ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTIONADMINISTRATIVE RECORD
FOR
MAHONINGSIDE POWER PLANT SITE
WARREN, TRUMBULL COUNTY, OHIOORIGINAL
SEPTEMBER 14, 2000

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	05/01/96	Ohio EPA	U.S. EPA	Biological and Water Quality Study (PENDING)	
2	06/09/00	Payne, D., U.S. EPA	Moore, K., U.S. EPA	Memorandum re: PCB Analysis Results for the Mahoningside Power Plant Site	11
3	06/27/00	McCabe Engineering, Inc.	U.S. EPA	History Chronology and Analytical Summary for the Mahoningside Power Plant Site	5
4	07/21/00	Angelo, H., City of Warren	Karl, R., U.S. EPA	Letter re: City of Warren's Request for U.S. EPA Assistance at the Mahoningside Power Plant Site	2
5	09/05/00	Durno, M., U.S. EPA	Beals, R., Ohio EPA	Letter re: U.S. EPA's Request for Ohio ARARs for the Mahoningside Power Plant Site	1
6	00/00/00	Durno, M. & J. Fredle; U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for Approval to Initiate a Time-Critical Removal Action at the Mahoningside Power Plant Site (PENDING)	

**MAHONINGSIDE POWER PLANT SITE
ORIGINAL AR**

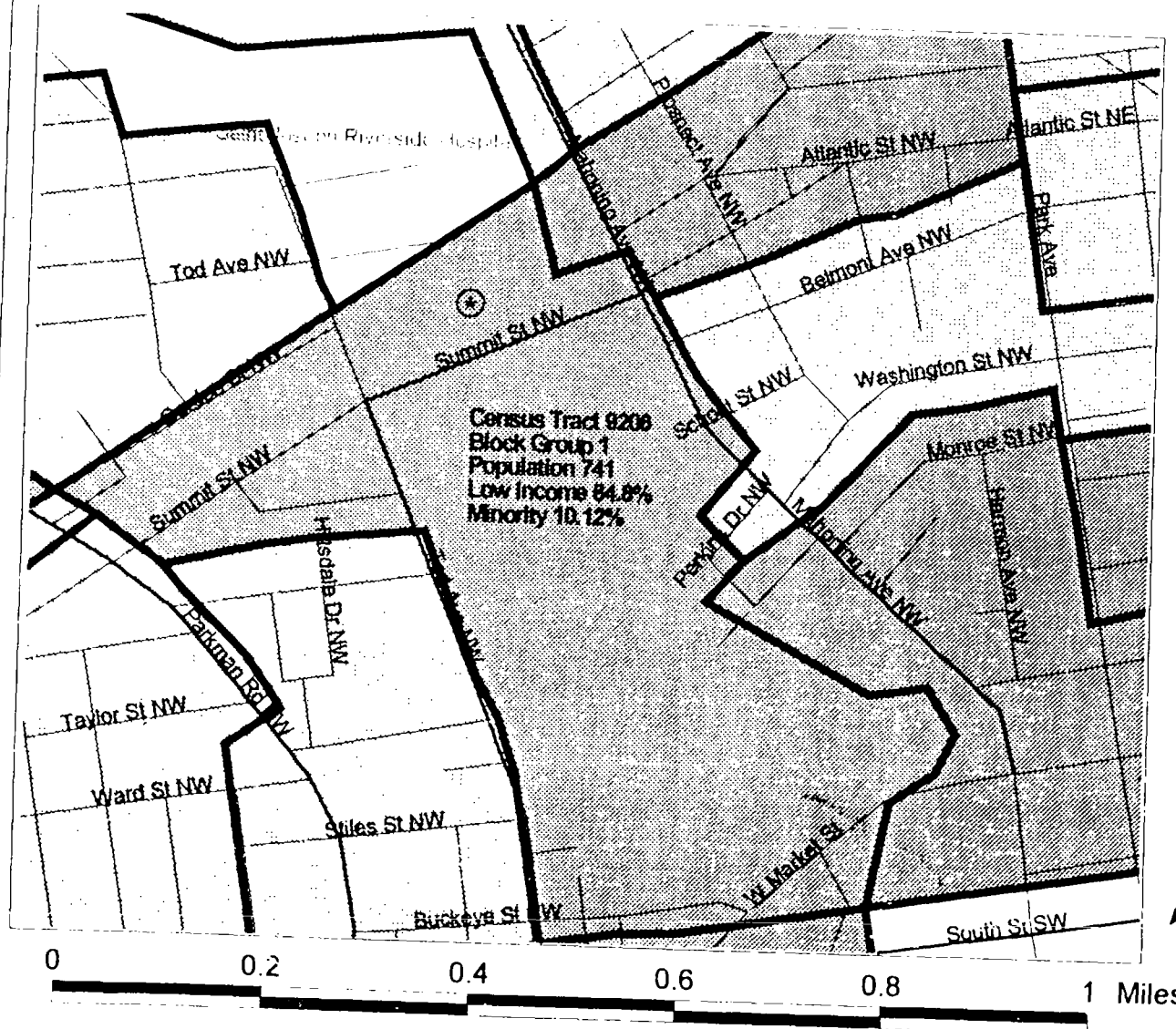
**INDEPENDENT GOVERNMENT COST ESTIMATE
(3 PAGES)**

REDACTED

**NOT RELEVANT TO THE SELECTION OF
THE REMOVAL ACTION**

Region 5 Superfund EJ Analysis

Mahoningside Power Plant Site Warren, OH



EJ Identification

- Low Income and Minority Less than State Average
- Low Income or Minority at or Greater than State Average
- Low Income or Minority 2 Times or Greater than State Average
(meets Region 5 EJ Case criteria)

- Site Location
- Block Group Boundary

Region 5 EJ Case Criteria for Ohio
 Minority: 26% or greater
 Low Income: 60% or greater



U.S. EPA Region 5
 Superfund Office

Date of Map 08/31/99

Source of Map 1990 Census Database

ENFORCEMENT ADDENDUM

**MAHONINGSIDE POWER PLANT SITE
WARREN, TRUMBULL COUNTY, OHIO
SEPTEMBER 2000**

**MAHONINGSIDE POWER PLANT SITE
ORIGINAL AR**

**ENFORCEMENT ADDENDUM
(3 PAGES)**

REDACTED

**NOT RELEVANT TO THE SELECTION OF
THE REMOVAL ACTION**

ATTACHMENT 6

ACTION MEMORANDUM DATED 9/24/2004



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

SEP 24 2004

MEMORANDUM

REPLY TO ATTENTION OF.

SUBJECT: **ACTION MEMORANDUM** - Request for a Ceiling Increase and an Exemption from the 12-month and \$2 Million Statutory Limit for the Removal Action at the Mahoningside Power Plant Site, Warren, Trumbull County, Ohio (Site ID #B5P4)

FROM: Mark Durno, On-Scene Coordinator
Emergency Response Branch - RS1

[Signature] for M.D.
9/10/04

TO: Richard Karl, ~~Acting~~ Director
Superfund Division

[Signature]

THRU: Thomas Geishecker, Acting Chief
Emergency Response Branch

[Signature] 9/23/04

Jason H. El-Zein, Chief
Response Section 1

[Signature] for J.H. El-Zein
9/10/04

I. PURPOSE

The purpose of this memorandum is to request and document your approval for a 12-month and \$2 million exemption and a ceiling increase of \$1,013,060 in order to continue to mitigate threats to public health, welfare, and the environment at the Mahoningside Power Plant Site (Mahoningside Site) within the City of Warren, Trumbull County, Ohio. If approved, this increase will bring the total approved ceiling for the Mahoningside Site to \$2,182,400. These expanded response actions are necessary to mitigate the immediate threat to public health, welfare, and the environment posed by the continued presence and uncontrolled migration of polychlorinated biphenyl (PCB) contamination located in a sensitive area in the City of Warren.

The initial emergency response action was conducted pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9604(a)(1), as amended, by locating, recovering, and proper disposal of PCB-contaminated materials. The initial removal action was considered an emergency response due to the potential for uncontrolled releases of elevated levels of PCB contamination into the adjoining Mahoning River. The initial response required approximately 6 months to complete. The original emergency removal actions were completed in February, 2001. The original Action Memorandum was approved on September 20, 2000.

Following the emergency removal action, U.S. EPA requested that the Ohio EPA assess the remainder of the site's property for additional hazardous conditions and PCB contamination. Sampling and subsequent analysis by Ohio EPA and the City of Warren indicates that large debris piles that exist on the site property contain levels of PCB contamination that exceed regulatory levels for industrial properties. As a result, the City of Warren requested the assistance of U.S. EPA to address the continued threats to public health and the environment.

The response action proposed herein will mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous wastes and substances located in large debris piles on the property of the former power plant. Hazardous substances that have been confirmed to be present at the Mahoningside Site are PCBs. Proposed removal actions include the complete assessment of the chemical hazards in the debris piles, removal and stabilization of the hazardous wastes and substances, and off-site disposal of the hazardous wastes and substances. The uncontrolled condition of the abandoned waste and substances at this Site, the potential for hazardous substances in the subsurface to migrate into the adjoining river, the unrestricted access to the property, the evidence that the Site is frequented by trespassers, and the Site's proximity to residential areas require that this removal be classified as time-critical. The project will require approximately 60 working days to complete.

The Mahoningside Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # OHN 000 508 061

A. Physical Location and Description

The Mahoningside Power Plant Site consists of an open abandoned basement of a former power plant building. The basement structure contains numerous underfloor sumps, piping, and conduits, some of which are connected to the Mahoning River. The building foundation encompasses approximately 34,000 square feet and the property totals approximately 6 acres. Large debris piles are present immediately west of the basement structure. These piles were generated from demolition activities that occurred in 1999. The property, currently owned by the City of Warren, which took the property in lieu of back taxes, was formerly owned by the Ohio Edison Company (now First Energy) and other private parties. The property is located at 650 Summit Street, Warren, Ohio, 44483. The property is bordered by the Mahoning River to the east, railroad tracks to the north, light industrial properties to the south, and a residential area to the west. Summit Street parallels the facility to the south and Tod Avenue parallels the facility to the west.

In Ohio, the low income percentage is 30% and the minority percentage is 13%. To

meet the Environmental Justice (EJ) concern criteria, the area within one mile of the Site must have a population that is twice the state low income percentage and/or twice the state minority percentage. That is, the area must be at least 60% low income and/or 26% minority. The low income percentage in the impacted area is 64.8% and the minority percentage is 10.12% as determined by Landview 3 EJ analysis. Therefore, the Mahoningside Site does meet the region's EJ criteria based on demographics as identified in "Region 5 interim guidelines for Identifying and addressing a potential EJ Case, June 1998".

The property is surrounded by a security fence that is in poor condition. There have been past cases of unauthorized entry and vandalism at the Site. The west side of the property is currently used as a temporary office and staging area. The central portion of the facility is used for the staging of debris. The foundation and basement are located on the river's edge at the east end of the facility.

B. Site Background

The facility was built in 1904 by the Warren Water and Light Company as a hydro-electric power generating plant. From 1950 until 1980 the facility was owned by the Ohio Edison Company and primarily used as a coal-burning power plant until 1968. In August 1977, the property was leased by Ohio Edison to Summit-Warren, Inc., where the property was used to operate a salvage business. At that time, the business was owned and/or operated by Harold Glunt and John Petrilla. In December 1980, the property was sold to Nestor Stychno and William Marsteller, who did various scrapping operations at the site. In 1999, the bankruptcy of the the Stychno and Marsteller operation resulted in the City of Warren taking title to the property in lieu of back taxes.

In February 1999, City of Warren contractors, Inner-scope Technologies and McCabe Engineering, mobilized to begin demolition and general construction activities at the Mahoningside Power Plant Site. On March 17, 1999, two 250-foot high smokestacks were imploded by explosives. General demolition activities continued until November 1999.

In November 1999, Warren consulted with Ohio EPA and U.S. EPA regarding regulatory compliance should PCBs or heavy metal contamination be discovered during the removal of basement debris. From December 1999, through early March 2000, debris removal from the basement progressed. According to the City's contractors, all PCB contamination that was discovered during this time was below the TSCA regulatory level of 50 parts per million (ppm) for industrial facilities. In March 2000, PCB contamination, exceeding 50 ppm, was discovered in the basement of the former facility. Approximately 450 cubic yards of PCB-contaminated debris was contained on-site.

From March 2000 through June 2000, the City of Warren authorized response actions to control and contain PCB contamination. In mid-June 2000, the City of Warren ran

out of funding to complete the PCB clean-up and remainder of demolition activity. The City of Warren's contractor, McCabe Engineering, continued basement de-watering and treatment actions on a good-faith basis.

On July 21, 2000, the City of Warren requested U.S. EPA assistance to complete the removal and disposal of hazardous materials at the Site and to take over the de-watering operation. On August 4, 2000, U.S. EPA initiated an emergency removal action to continue the de-watering activities on Site.

From October 10, 2000 until late-February 2001, U.S. EPA conducted a time-critical removal at the site. U.S. EPA and its contractors removed high-level PCB contamination from the basement and sub-structure of the former power plant and disposed of PCB contaminated debris which was previously contained. Approximately 1,770 tons of PCB contaminated materials were removed from the site and disposed of at CWM-Chemical Services LLC Landfill located in Model City, New York.

In March 2001, U.S. EPA referred the Site to Ohio EPA for further assessment. In July 2001, Ohio EPA conducted an assessment of the Site which included multi-media sampling. Sampling results indicated that a portion of one debris pile exhibited PCB concentrations as high as 159 mg/kg (~ppm), exceeding the regulatory limit of 50 ppm.

In June and July of 2002, the City of Warren's contractor, McCabe Engineering, collected grid-based composite samples from the piles at various depth intervals. The results of this characterization indicated that elevated levels of PCB's were present in all three debris piles. Also, the characterization showed that two of the three piles had PCB contamination in excess of 50 ppm in numerous locations. According to McCabe Engineering, the debris piles total approximately 13,000 cubic yards or 16,500 tons of material.

On January 24, 2003, the City of Warren again requested U.S. EPA's assistance to dispose of PCB contaminated debris from the Site. The City of Warren has offered to provide in-kind services to load-out contaminated materials and to provide after-action confirmation sampling.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Mahoningside Site present a potential threat of release of CERCLA hazardous substances, present an imminent and substantial threat to the public health, or welfare, and the environment, and met the criteria for an emergency

removal action provided for in the National Contingency Plan (NCP), 40 C.F.R. § 300.415(b)(2). These criteria include:

1) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

The Site is situated in a high traffic, mixed industrial-residential area. Several people are often observed using the sidewalk to the immediate south of the Site and visiting the river just east of the Site. There are several incidents of trespass reported recently on Site. High levels of PCBs are present on Site. In some locations, contamination exceeds the regulatory level established under the Toxic Substances Control Act (TSCA) for industrial properties (50 ppm). Approximately 16,500 tons of debris, much of which contains PCB waste are present on Site. The high levels of PCB contamination remains uncontrolled. The potential exists for contamination to migrate in to soil beneath the piles and/or over land and through soil into the Mahoning River. U.S. EPA requested Ohio EPA to evaluate the risk to the Mahoning River due to uncontrolled PCB contamination. Ohio EPA indicated that any uncontrolled PCB contamination at or above 1 ppm could pose significant risk to the Mahoning River.

There currently is no security on Site other than the Site fence. The fence is in marginal to poor condition.

2) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Northeast Ohio typically exhibits frequent precipitation in the fall, winter, and spring months. PCB contamination is located in 3 large, uncovered debris piles on site. The debris piles are located immediately to the west of the open basement structure of the former facility and the Mahoning River. Not only is there contamination migration potential directly to the Mahoning River, but also to the more closely located basement structure, which is a direct conduit to the river. Heavy precipitation causes the Mahoning River to rise and flow at a more rapid rate. The resulting influx to groundwater increases the amount of water that enters the former facility basement, where the PCB contamination can easily migrate to. The resulting water movement can cause contaminants to migrate to the subsurface or to the Mahoning River. Additionally, much of the contaminated material in the soil piles are fine particles that can easily migrate to nearby residential areas during dry weather coupled with moderate wind conditions.

3) The availability of other appropriate Federal or State response mechanisms to respond to the release.

The City of Warren has requested U.S. EPA assistance to remove hazardous substances from the Mahoningside Power Plant Site. The City ran out of funding as it was attempting to redevelop this Brownfields Site into a usable facility. The Ohio EPA has served as a technical liaison to the project but does not have funding available to clean-up the Site.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected hazardous substances on Site and the potential exposure pathways described in Sections II and III, actual or threatened direct or indirect releases of hazardous substances from the Mahoningside Power Plant Site due to migration, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

Emergency Exemption:

Section 104(c) of CERCLA as amended by SARA, limits a Federal emergency response to \$2 million unless three criteria are met. The quantities and levels of hazardous substances (PCBs) found at the Mahoningside Power Plant Site warrant the \$2 million and 12-month time limitation exemptions based on the following factors:

A. There is an immediate risk to public health or welfare or the environment;

Refer to Section IV, above.

B. Continued response actions are immediately required to prevent, limit, or mitigate an emergency;

As described in Section III, conditions at the site are such that the release of high levels of PCBs is imminent. In 2000, EPA conducted an emergency action at this Site as a result PCB migration. These actions are necessary to prevent additional PCB migration.

C. Assistance will not otherwise be provided on a timely basis.

As described in Section II, both the City of Warren and the Ohio EPA have indicated that funding is not available.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

The purpose of this expanded removal action is to mitigate the immediate threats posed to public health, welfare, or the environment by the presence PCB contamination in large debris piles at the Mahoningside Site. The On-Scene Coordinator (OSC) specifically proposes to undertake the following actions to mitigate threats posed by the presence of hazardous wastes:

- 1) Develop and implement a Site-specific Health and Safety Plan.
- 2) Establish and maintain Site security.
- 3) Develop and implement a sampling and segregation plan to separate high level PCB contaminated material (>50 ppm per discrete location or applicable standard based on to-be-developed Statement of Work) from lower-level PCB contamination from the debris piles.
- 4) Dispose of hazardous substances at approved off-Site disposal facilities in accordance with the U.S. EPA Off-Site Rule, 40 C.F.R. Section 300.440. This includes off-site disposal of both high level PCB contaminated material to a Toxic Substances Control Act (TSCA) approved landfill and, lower-level PCB contaminated material that poses significant risk to an appropriate non-hazardous waste landfill.
- 5) Stage remaining materials, if applicable, on an impermeable liner and cover.
- 6) Conduct post-removal sampling and analysis to verify completion of the removal action.

The removal action will be undertaken in a manner not inconsistent with the National Contingency Plan (NCP). The OSC will initiate planning for the provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. The nature of this removal action (complete removal of hazardous substances from the Site) should eliminate the need for any post-removal Site control.

The detailed cleanup contractor cost estimate is presented in Attachment 1, and estimated project costs are summarized below:

EXTRAMURAL COSTS:

Regional Removal Allowance Costs:

Total Cleanup Contractor costs	\$ 799,300
(This cost category includes estimates for ERRS and subcontractors)	

Other Extramural Costs Not Funded from the Regional Allowance

Total START, including multiplier costs	\$ 45,000
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Extramural Subtotal	\$ 844,300
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Extramural Contingency (20%)	\$ 168,860
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TOTAL REMOVAL PROJECT CEILING	\$1,013,160
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The response actions described in this memorandum directly address the actual or threatened release of hazardous substances, pollutants, and contaminants at the Mahoningside Site which pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions will not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) will be complied with to the extent practicable. Federal ARARs for the Mahoningside Site include TSCA and RCRA. All hazardous substances, pollutants, or contaminants removed off-site during the emergency removal action will be treated, stored, or disposed of at facilities in compliance with the U.S. EPA Off-Site Rule, 40 CFR § 300.440. Ohio EPA is an active partner in addressing threats associated with this removal action. A letter has been sent to Mr. Rod Beals of the Ohio EPA on September 5, 2000, requesting that he identify State ARIARs. Any State ARARs identified in a timely manner for this removal action will be complied with to the extent practicable.

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances documented on Site, and the potential exposure pathways to nearby populations described in Sections II, III, and IV, above, actual or threatened release of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action

Memorandum, presents an imminent and substantial endangerment to public health, welfare, or the environment.

VIII. OUTSTANDING POLICY ISSUES

There were no outstanding policy issues at the Mahoningside Power Plant Site.

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$1,013,160¹.

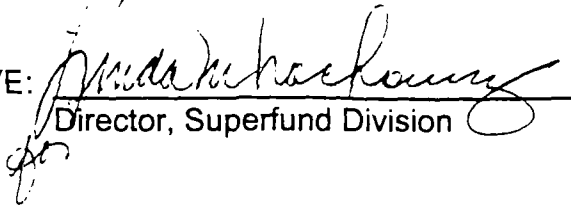
$$(1,013,160 + 20,000) + (42.38\% \times \$1,033,160) = \$1,471,013.21$$

X. RECOMMENDATION

This decision document represents the selected removal action for the Mahoningside Site, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision was based upon the Administrative Record for the Site. Because the conditions at the Site meet the NCP § 300.415(b)(2) criteria for a removal action, I recommend your approval of this removal action. The total project ceiling increase, if approved, will be \$1,013,160. Of this amount, an estimated \$968,160 may

¹Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE:  DATE: Sept 24, 2004
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
Director, Superfund Division

Enforcement Addendum

Attachments

1. Detailed Cleanup Contractor Cost Estimate
2. Administrative Record Index
3. Region V EJ Analysis

cc: D. Stalcup, U.S. EPA, 5202-G
M. Chezik, U.S. Department of the Interior, **w/o Enf. Addendum**
K. Clouse, Ohio EPA, **w/o Enf. Addendum**
Ohio Atty. Gen., **w/o Enf. Addendum**
C. Jones, Director, Ohio EPA, **w/o Enf. Addendum**
M. Keys, City of Warren, OH, Community Devel. Dept., **w/o Enf. Addendum**

ENFORCEMENT ADDENDUM

MAHONINGSIDE POWER PLANT SITE
WARREN, TRUMBULL COUNTY, OHIO

SEPTEMBER 2004

ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY

(REDACTED 4 PAGES)

ATTACHMENT 1

DETAILED CLEANUP CONTRACTOR COST ESTIMATE MAHONINGSIDE POWER PLANT SITE WARREN, TRUMBULL COUNTY, OHIO SEPTEMBER 2004

The estimated cleanup contractor costs necessary to complete the removal action at the Mahoningside Power Plant Site are as follows:

Personnel	\$ 78,800
Equipment	\$ 0**
Subcontractors	\$700,500
Materials	\$ <u>20,000</u>
TOTAL	\$799,300

** NOTE: The City of Warren has offered in-kind services to provide labor and heavy equipment to state and/or load-out materials that will be shipped off-site for disposal.



ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD FOR MAHONINGSIDE POWER PLANT SITE WARREN, TRUMBULL COUNTY, OHIO

ORIGINAL
SEPTEMBER 14, 2000

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	05/01/96	Ohio EPA	U.S. EPA	Biological and Water Quality Study of the Mahoning River Basin (OEPA Technical Report MAS/1995-12-14)	249
2	06/09/00	Payne, D., U.S. EPA	Moore, K., U.S. EPA	Memorandum re: PCB Analysis Results for the Mahoningside Power Plant Site	11
3	06/27/00	McCabe Engineering, Inc.	U.S. EPA	History Chronology and Analytical Summary for the Mahoningside Power Plant Site	5
4	07/21/00	Angelo, H., City of Warren	Karl, R., U.S. EPA	Letter re: City of Warren's Request for U.S. EPA Assistance at the Mahoningside Power Plant Site	2
5	09/05/00	Durno, M., U.S. EPA	Beals, R., Ohio EPA	Letter re: U.S. EPA's Request for Ohio ARARs for the Mahoningside Power Plant Site	1
6	09/20/00	Durno, M. & J. Fredle, U.S. EPA	Munc, W., U.S. EPA	Action Memorandum: Request for Approval to Initiate a Time Critical Removal Action at the Mahoningside Power Plant (PORTIONS OF THIS DOCUMENT HAVE BEEN REDACTED)	21

UPDATE #1
SEPTEMBER 14, 2004

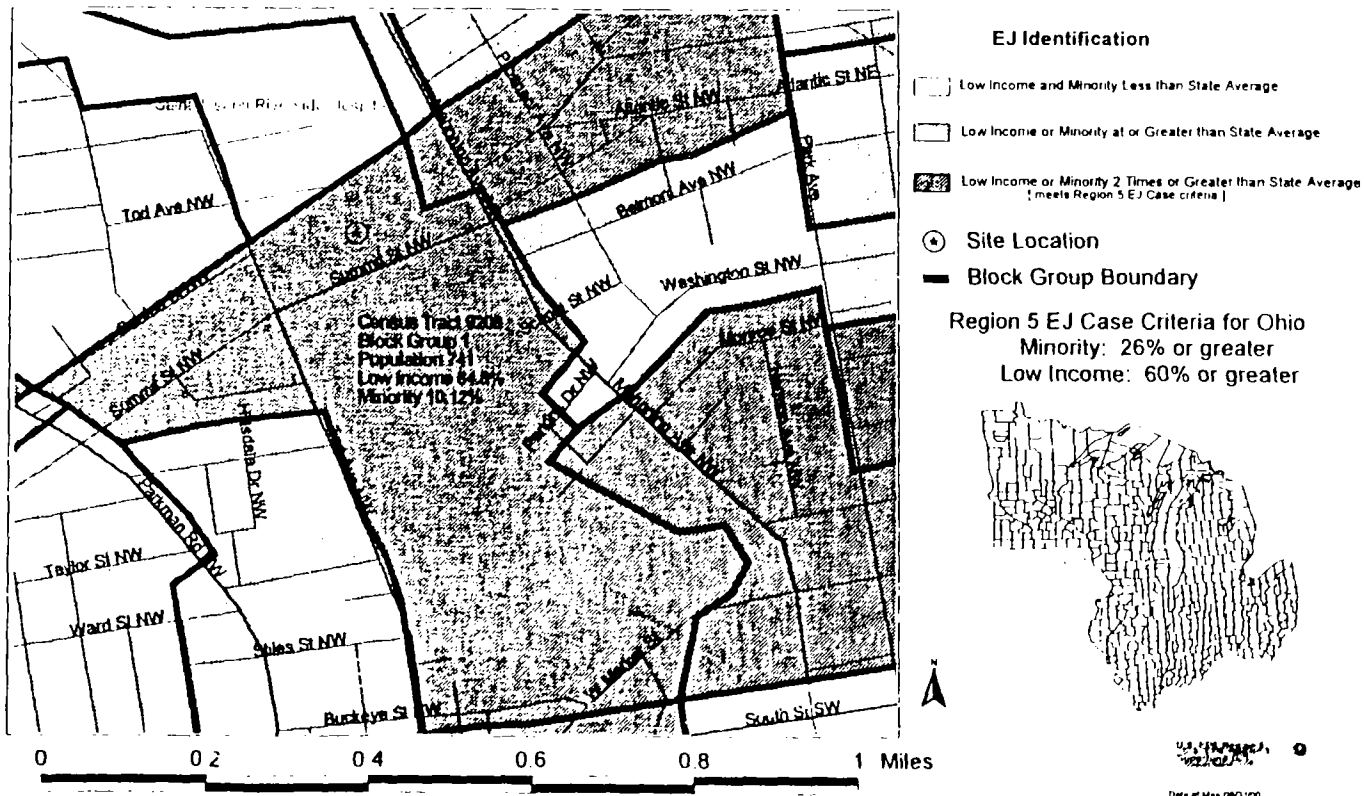
1	01/24/03	Angelo, H., City of Warren	El-Sein, J., U.S. EPA	Letter re: City of Warren's Request for U.S. EPA Assistance with the Completion of the Mahoningside Remediation Project	2
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MAHONINGSIDE POWER PLANT AR
PAGE 2

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
2	00/00/00	Durno, M., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for a Ceiling In- crease and an Exemption from the 12 Month and \$2 Million Statutory Limit for the Removal Action at the Mahoningside Power Plant Site (PENDING)	

Region 5 Superfund EJ Analysis

Mahoningside Power Plant Site Warren, OH



ATTACHMENT 3

REGION V EJ ANALYSIS
 MAHONINGSIDE POWER PLANT SITE
 WARREN, TRUMBULL COUNTY, OHIO

INDEPENDENT GOVERNMENT COST ESTIMATE

MAHONINGSIDE POWER PLANT SITE
WARREN, TRUMBULL COUNTY, OHIO

SEPTEMBER 2004

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

(REDACTED 1 PAGE)